

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CYNTHIA L. RILEY,

Plaintiff,

v.

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

Case No. C20-5499 RAJ

ORDER DENYING  
APPLICATION TO PROCEED IN  
FORMA PAUPERIS

Plaintiff seeks to proceed *in forma pauperis* for an action seeking judicial review of the administrative decision denying her application for Social Security benefits. Dkt.

1. For the reasons discussed below, the court DENIES plaintiff's application to proceed *in forma pauperis*.

The district court may permit indigent litigants to proceed *in forma pauperis* upon completion of a proper affidavit of indigence. 28 U.S.C. § 1915(a). "To qualify for *in forma pauperis* status, a civil litigant must demonstrate both that the litigant is unable to pay court fees and that the claims he or she seeks to pursue are not frivolous." *Ogunsalu v. Nair*, 117 F. App'x 522, 523 (9th Cir. 2004), *cert. denied*, 544 U.S. 1051 (2005). To meet the first prong of this test, a litigant must show that he or she "cannot because of his [or her] poverty pay or give security for the costs and still be able to provide himself [or herself] and dependents with the necessities of life." *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 339 (1948) (internal alterations omitted).

1 Plaintiff has not shown she is unable to pay the full filing fee to proceed with this  
2 lawsuit. Her application appears to show she and her husband have monthly income of  
3 over \$9,000. Dkt. 1 at 1. Plaintiff also itemizes monthly expenses totaling less than  
4 \$7,500. Dkt. 1 at 2. This would leave at least \$1,500 available per month. While  
5 plaintiff states she also “get[s] medical bills from time to time,” has some medication co-  
6 payments, and pays for heating oil, gasoline, and “minor” house repairs, there is no  
7 indication that these expenses total anywhere close to \$1,500 per month. *Id.* Under the  
8 circumstances, the Court finds plaintiff has failed to demonstrate she “cannot because of  
9 [her] poverty pay or give security for the costs and still be able to provide [herself] and  
10 dependents with the necessities of life.” *See Adkins*, 335 U.S. at 339 (internal alterations  
omitted). Should additional information or clarification alter the situation, plaintiff may  
reapply to proceed *in forma pauperis*.

11 Accordingly, plaintiff’s application to proceed *in forma pauperis* is DENIED  
12 WITHOUT PREJUDICE. Plaintiff has 30 days from the date of this order to pay the full  
13 filing fee or reapply to proceed *in forma pauperis*. If the filing fee or a new application is  
14 not received within 30 days, the clerk’s office is instructed to dismiss this action  
WITHOUT PREJUDICE.

15 DATED this 2nd day of June, 2020.

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18 The Honorable Richard A. Jones  
19 United States District Judge  
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